IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 35194 of 2007(M)

PETITIONER:

P.T. THOMAS,
CONTRACTOR, PALASSERIL HOUSE, KALANJOOR P.O.,
PATHANAMTHITTA DISTRICT-689 694.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.V.VARGHESE

RESPONDENTS:

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1. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, KOLLAM.

2. THE SALES TAX OFFICER (WC & LT),
PATHANAMTHITTA.

3. THE DEPUTY TAHSILDAR (R.R),
ADOOR, PATHANAMTHITTA DISTRICT.

4. THE VILLAGE OFFICER,
VILLAGE OFFICE, KALANJOOR, PATHANAMTHITTA DIST.
PIN-689 694.

BY G.P.SRI.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C) No. 35194 of 2007

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Dated this the 28th day of November, 2007

JUDGMENT

Against Ext.P2 order of assessment, the petitioner had filed Ext.P3 appeal together with an application for condonation of delay and stay. The petitioner submits that while the appeal and the applications are pending, revenue recovery proceedings have been initiated against the petitioner and hence this writ petition.

2. It is submitted that out of the amount fixed as per Ext.P2, the petitioner has remitted an amount of Rs.32,000/- and therefore he seeks an early disposal of the appeal itself.

3. As the appeal has been filed along with an application for condonation of delay, prayer in the petition cannot be allowed. If the delay is not condoned, there is no question of consideration of the appeal on merits.

4. In view of the fact that substantial portion of the amount has been paid by the petitioner, I direct that the 1st respondent shall take up the matter and consider the application for condonation of the delay filed by the petitioner along with the appeal and depending upon the outcome of the

petition for condonation of delay itself, the 1st respondent shall consider the appeal within six weeks from the date of receipt of copy of this judgment.

5. In the meanwhile further proceedings pursuant to Ext.P4 shall be kept in abeyance.

6. The petitioner shall produce a copy of this judgment before the 1st respondent for compliance.

The writ petition is disposed of, accordingly.

Antony Dominic,
Judge.

mn.